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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirtieth session

SUMMARY RECORD OF THE 543rd MEETING

Held at Headquarters, New York,
on Monday, 1 April 1991, at 10.30 a.m.

Chairman: Mr. MIKULKA (Czechoslovakia)

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Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries

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READEX FICHE

The meeting was called to order at 10.45 a.m.

GENERAL DEBATE (continued)

1. Mr. NEDELCHEV (Bulgaria) said that he believed that, since developments in international relations over the past year offered opportunities to expand international cooperation in the political, economic and social spheres, the Committee and its subsidiary bodies would rededicate themselves to promoting international cooperation in the peaceful uses of outer space for the benefit and in the interests of all States.

2. At the current session special attention should be paid to the elaboration of draft principles relevant to the use of nuclear power sources in outer space (A/AC.105/457, annex III) with the aim of arriving at a final text as soon as possible, in view of the hazards involved in the use of such power sources. Since a consensus had been reached on draft principle 3, concerning guidelines and criteria for safe use, it should be possible to reach agreement on draft principle 2 (Notification of the presence on board a space object of a nuclear power source) and on draft principle 4 (Safety assessment).

3. His delegation welcomed both the fact that some progress had been made in the course of the informal consultations held at the previous session pursuant to the Subcommittee's recommendations, particularly on draft principles 9 (Compensation) and 12 (Revision), and the fact that a basis had been established for a consensus on draft principle 8 (Responsibility). Bulgaria believed that the way had thus been paved for further constructive work at the Subcommittee's current session, and it endorsed the working paper submitted by Canada and Germany at the Committee's thirty-third session (A/AC.105/C.2/L.154/Rev.7).

4. With regard to agenda item 4, his delegation reaffirmed its position that outer space had to be delimited because the legal regimes that applied to outer space and to airspace were based on two entirely different principles. There was therefore a practical and legal need for a proper definition of the limits between airspace and outer space, since that question affected the applicability of existing international law.

5. With respect to the Soviet proposal on legal problems connected with the flights of aerospace systems, Bulgaria noted with interest the intention to achieve a breakthrough on the question of the delimitation of outer space, without prejudice to the current positions of States. A better understanding of the content of that proposal might make it possible to reach agreement on the action to be taken in that regard.

6. As far as the issue of the geostationary orbit was concerned, there was an understanding among many delegations on the following points: that the geostationary orbit was an integral part of outer space and that it was not

(Mr. Nedelchev, Bulgaria)

subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means; and that the geostationary orbit was a limited natural resource that should be used efficiently, economically and equitably by all States. That emerging understanding could form the basis for agreement in the Subcommittee that would permit further work to proceed.

7. Bulgaria believed that consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries, could be continued on the basis of several ideas and proposals put forward in that connection at the Subcommittee's previous session. His delegation was pleased to note that, through its working group, the Subcommittee was ready to start substantive work on that complex subject, in which Bulgaria was willing to participate.

8. Mr. GOROVE (Vice-President, International Institute of Space Law of the International Astronautical Federation) said that with a view to providing a legal framework governing manned space flight, which was already playing a major role in the field of space activities, in 1988 the preparation of a draft convention on the subject had been undertaken by the following three institutions: the Institute of Air and Space of Cologne University, Germany; the Institute of State and Law of the Academy of Sciences of the Union of Soviet Socialist Republics; and the Research and Study of Space Law and Policy Center of the University of Mississippi Law School, United States of America. The primary objective of the drafters of the text in question had been to promote international discussions in appropriate forums that would eventually lead to negotiations among interested States. At its session in October 1990, in Dresden, the Board of Directors of the International Institute of Space Law had decided to transmit the draft convention to the Subcommittee for information and whatever action the Subcommittee might wish to take in that connection.

9. Mr. KHABIROV (Union of Soviet Socialist Republics) said that the proposal put forward by the International Astronautical Federation was extremely useful and important. In his view, the draft convention on manned space flight prepared jointly by the German, United States and Soviet institutes in question should be used as a basis for the Subcommittee's future work.

10. In response to a request made by a number of delegations, he wished to provide information on the final stages of the flight of the Salyut-7/Cosmos-1686 orbital combination, put into Earth orbit on 19 April 1982. In late 1990, after the combination had been in outer space for nine years, there had been an unplanned decrease in its orbital speed as a result of atmospheric turbulence and it had come closer to the Earth. On 1 February 1991 a group comprising representatives of Soviet ministries and scientific and technical organizations had been set up to consider what steps should be taken to control the flight's final stages. However, owing to a

(Mr. Khabirov, USSR)

lack of fuel, it had proved impossible to guide the combination in its descent to the atmosphere. It had been anticipated that the combination's debris would burn up in the upper atmosphere. On 7 February 1991 Salyut-7/Cosmos-1686 had entered the upper layers of the atmosphere and disappeared over South America, at 34.4 degrees latitude south and 63.8 degrees longitude west. Debris from the combination had fallen on Argentina, close to the Chilean border, but there had been no casualties or damage to property.

11. In the final stage of the orbital combination's flight, from 4 December 1990 to 7 February 1991, the Tass News Agency had circulated 11 communications from the Control Centre indicating the station's orbital parameters and making predictions concerning re-entry into the atmosphere and combustion of the debris. Authorities throughout the world had been informed of the efforts being undertaken to control the station; the Centre had also announced that there were neither radioactive materials nor other dangerous substances on board. States exposed to the hazard of falling debris had been warned accordingly in good time. On 7 February, in the morning, the Tass News Agency had circulated two communications predicting the time at which the combination would be destroyed and the point where the debris would fall to the Earth. Soviet diplomatic missions abroad had been entrusted with disseminating the information in question, and all Soviet embassies located south of 51 degrees below the equator had been given all the relevant information about the combination's orbital parameters and its re-entry into the atmosphere. All the necessary information about the termination of the Salyut-7/Cosmos-1686 flight had thus been transmitted to all the competent agencies and to all the countries concerned.

12. On 6 and 7 February, during the orbital combination's very last stage, the United States had provided the Soviet Union with information, because at that point the orbital combination was outside the area covered by Soviet tracking equipment. That information had made it possible to determine more precisely the point where the debris had fallen to the Earth. The Soviet delegation wished to thank the countries that had provided the Soviet Union with assistance in that connection.

13. The Soviet Union had assured all the countries concerned that the issue of compensation for any damage would be settled in the context of bilateral talks, in accordance with the Convention of 1972 on International Liability for Damage caused by Space Objects.

14. The CHAIRMAN said that, since no more speakers wished to take the floor in the general debate, if he heard no objection, he would take it that the general debate was thus concluded.

15. It was so decided.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

16. The CHAIRMAN introduced item 5 of the Subcommittee's agenda, entitled "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries".

17. In that connection, he referred delegations to the report of the Legal Subcommittee on the work of its twenty-ninth session (A/AC.105/457, chap. III) and to the report of the Committee on the Peaceful Uses of Outer Space at its twenty-third session (A/45/20, paras. 119-127 and 142 (c)). He recalled that the General Assembly, in resolution 45/72, paragraph 4, recommended that the Subcommittee should, taking into account the concerns of all countries, particularly those of developing countries, continue, through its working group, the consideration of the item in question. Furthermore, delegations had before them the relevant views and observations transmitted by Member States in response to notes verbales from the Secretary-General. The replies to the notes in question were set out in document A/AC.105/C.2/15 and Add.1 to 13 and document A/AC.105/C.2/16 and Add.1 to 10.

18. Lastly, he recalled that at the beginning of the current session the Subcommittee had re-established its working group on the item under consideration, which would be chaired by the representative of Chile, Mr. Raimundo Gonzáles.

19. Mr. BASNAYAKE (Secretary of the Subcommittee) said that, at its previous session, the Subcommittee had decided that it would be useful to have before it a compilation of the multilateral agreements identified in the responses to the Secretary-General's request for information, as well as a list of the States parties to those agreements (A/AC.105/457, para. 58).

20. In implementation of that decision, the Secretariat had prepared a list of the 28 multilateral agreements identified by Member States and had obtained copies of all the agreements on the list, either in the original language or in official translations in all the working languages of the United Nations.

21. In compiling the list in question the Secretariat had tried to avoid duplication and, wherever possible, had used existing United Nations publications containing the text of the relevant agreements and United Nations documents concerning the status of the relevant international instruments. Lists of States parties to each of the agreements in question had been compiled only where an agreement did not contain such a list.

(Mr. Basnayake)

22. Lastly, in response to the Secretary-General's request on the subject of international agreements to which Member States were parties, the Permanent Representative of the Federal Republic of Germany had transmitted to the Secretariat, for submission to the working group on the item, the first volume of a compilation on space law published under the auspices of the Institute of Air and Space Law at Cologne University. Both that publication and the list of agreements to which he had just referred were available to delegations in the conference room.

The meeting rose at 11.30 a.m.